



# Enforcement Referral

## Hazardous Waste

Respondent's Name: [ Numpages ][ Page ][ Formtext ]	
Inspector: [ Formtext ]	Manager: [ Formtext ]
What Q-Time number do you want the ELS to use? [ Formtext ]	
Referring region and office: [ Formtext ]	

1. Consider whether the Respondent is a Significant Non-Complier (SNC) (see Appendix S of Enforcement Guidance):
  - Did the violation(s) cause actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents to humans or the environment? [ Formcheckbox ] Yes or [ Formcheckbox ] No
  - Did the Respondent violate the law through flagrant or willful action? [ Formcheckbox ] Yes or [ Formcheckbox ] No
  - Is this a chronic or recalcitrant violator? [ Formcheckbox ] Yes or [ Formcheckbox ] No
  - Do the violation(s) deviate substantially from the terms of a permit, order, agreement or hazardous waste statutory or regulatory requirement? [ Formcheckbox ] Yes or [ Formcheckbox ] No

DEQ staff may use any **one** of these criteria to warrant designation as a SNC at any time during the enforcement process. DEQ may evaluate persons on a multi-media basis for SNC designation; however, a person may be found to be a SNC based solely on previous RCRA violations or behavior.

Is this violator a SNC? [ Formcheckbox ] Yes or [ Formcheckbox ] No

2. Is a compliance order needed? [ Formcheckbox ] Yes or [ Formcheckbox ] No  
(provide details in table below)

3. Where did the violation(s) occur?

Address: [ Formtext ]

County: [ Formtext ]

4. EPA ID #: [ Formtext ]

5. What is the Respondent's connection to the violation(s) (e.g., generator, property owner, permit holder, other)? [ Formtext ]

6. Generator Status at the time of the violation(s):

[ Formcheckbox ] LQG

[ Formcheckbox ] SQG

[ Formcheckbox ] CEG

Please explain the basis for this determination, and provide any additional relevant information about Respondent's reporting status:

[ Formtext ]

7. Did you acquire any information about the violations through discussions or correspondence with anyone other than the Respondent (for example: other state or local agencies, EPA, complainant, witnesses, disposal facility) about the violations?

[ Formcheckbox ] Yes or [ Formcheckbox ] No

If so, discuss the details of any conversations and attach any correspondence. [Note: Please use the last page of this form if the information should remain confidential.]

[ FORMTEXT ]

For each violation, please provide the following information with as much detail as possible. Copy and paste the table for Violation 2, 3, etc. To do this you will need to unprotect the document. **If the information is already provided somewhere else in the referral, you don't need to rewrite it on this form. Instead, please reference where it can be found in the attached documents** (e.g. inspection report, photograph, PEN, etc.). As long as all the information requested is included in the referral package and can be easily referenced, this form may be used as a checklist.

## Violation #1

<b>Narrative description of violation</b>	[ FORMTEXT ]
<b>Citation(s)</b> (all applicable – CFR, ORS, and OAR)	[ FORMTEXT ]
<b>Documentation of the violation</b> Reference photographs, section of inspection report, analytical reports, etc. that establish the violation occurred.	[ FORMTEXT ]
<b>How many days of violation?</b> Include dates if you can, or provide your best estimate and explain the basis for that estimate.	[ FORMTEXT ]
<b>Is this a repeat violation?</b> If so, reference attached NON, WL, and/or any other relevant communications with Respondent.	[ FORMTEXT ]
<b>Has violation been corrected?</b> <b>If yes</b> , when and how? <b>If no</b> , provide details about what is required for compliance, what documentation you need, and when.	[ FORMTEXT ]
<b>Hazardous waste stream description and waste code</b>	[ FORMTEXT ]
<b>What were the actual or threatened impacts</b> to human health or the environment?	In abandoning this waste on site, SoloPower Systems created a significant hazard to human health and the environment. The property owner was left to conduct closure activities including stabilization, hazard identification and abatement, and waste characterization, containerization, shipment for proper disposal at permitted hazardous waste disposal facilities at significant cost and risk to all engaged on site. SoloPower abandoned automated plating line equipment with hazardous waste remaining in place. These wastes included RCRA-regulated toxic metals and corrosive solutions. DEQ inspectors observed multiple pipe joints and fittings under these units with escaping chemistry in the form of crystallization of the chemistry having come into contact with plant air. The environmental contractor also closed the Plating Room to access after identifying hazardous chemistry released by this enclosed chemical treatment process. Clean Harbors sent in a hazardous chemical abatement team. This team had to stand down after an H2S release from wastewater treatment tanks set off their alarms. Hydrogen Sulfide, also known as sewer gas, is deadly even in low concentrations. It shuts down the nervous

	<p>system and death soon follows. Clean Harbors had to evacuate the air in this room to create conditions not Immediately Dangerous to Life and Health (IDLH). Clean Harbors also identified hazardous conditions in other two processing rooms, where cadmium on the surface of walls and floors grossly exceeded safe working environment levels. The amounts of incompatible and uncontrolled chemical hazards on site were substantial; these conditions could have resulted in exothermic reactions capable of releasing heat energy enough to cause a large fire, and releasing significant quantities of toxic gasses The Smith and Bybee Lake complex is near this facility, as is the Portland Channel of the Columbia River. Columbia Slough is also near this area, flowing west with a discharge to the Willamette River.</p>
<p><b>Additional Information</b> (Use separate "Confidential Intra-Office Advisory" form (the last page of this document) for confidential information.)</p>	<p>[ FORMTEXT ]</p>

**Answer the following if the violations are Class I, uncorrected, or repeated, and for all violations if Respondent is a SNC:**

<b>What costs did Respondent avoid or delay by not complying?</b> (for example: costs of labor, transportation, analytical fees, training, disposal, etc.) Please specify dollar amounts, date that costs should have been paid, and date (if any) costs were eventually paid.	[ FORMTEXT ]
If it is a waste management, treatment, or disposal violation (not training or paperwork), what is the <b>total amount of hazardous waste involved</b> in the violation (in pounds or gallons; also indicate how much, if any, is acute)	[ FORMTEXT ]
<b>Mental State</b> What other evidence (if any) do you have regarding whether the respondent actually knew, or should have known, that this would be a violation? (for example: prior communication with Respondent; history of reporting to the Department; Respondent has an Environmental Manager on staff and/or an established training program, etc.)	[ FORMTEXT ]

# **CONFIDENTIAL Intra-Agency Advisory Communication**

## **Exempt From Public Disclosure**

Please make sure this information is on a separate page.

Please provide any recommendations and observations about the violations, strengths and weaknesses of the case, case strategy, mental state, or other information that would be useful in drafting the case.

For example, is there any evidence that the Respondent was dishonest or deceitful in committing the violation (e.g., they tried to cover up the violation, reported false information, lied to DEQ staff, discarded records they are required to keep, etc.)?

**Be aware that these statements may become public record after the case is closed.**

[ FORMTEXT ]